

## **EXHIBIT 12**

# **WEATHERFORD DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4  
5

6 IN RE: HIGH-TECH EMPLOYEE )  
7 ANTITRUST LITIGATION )  
8 ) No. 11-CV-2509-LHK  
9 THIS DOCUMENT RELATES TO: )  
10 ALL ACTIONS. )  
11 \_\_\_\_\_ )  
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15 VIDEO DEPOSITION OF RON OKAMOTO  
16 February 27, 2013  
17  
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19 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR  
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09:28:33 1 companies were you referring to?

09:28:34 2 A. The two that I'm referring to would be Adobe  
09:28:37 3 and the Mac products unit over at Microsoft.

09:28:59 4 Q. Who from the developer relations team spoke  
09:29:01 5 with the recruiters at Apple regarding the practices of  
09:29:04 6 cold calling at Adobe?

09:29:06 7 A. The only person I'm aware of is myself.

09:29:16 8 Q. And who within the developer relations team  
09:29:19 9 spoke with recruiters about decisions about cold calling  
09:29:23 10 regarding Mac products -- excuse me, the Mac products  
09:29:26 11 unit at Microsoft; is that what you said?

09:29:31 12 A. I don't believe there was any others other than  
09:29:32 13 myself.

09:29:53 14 Q. With respect to Adobe, when did you have these  
09:29:56 15 conversations with the recruiters?

09:30:00 16 A. That was quite a while ago. It may have  
09:30:09 17 happened around the 2004/2005 time frame. I believe the  
09:30:14 18 2005 time frame. But again, as I said, it was a while  
09:30:17 19 back.

09:30:19 20 Q. What led you to initiate those conversations?

09:30:23 21 A. We were in the midst of working very closely  
09:30:28 22 with Adobe to be able to make sure that their most  
09:30:31 23 important products -- Photoshop, After Effects, others  
09:30:34 24 that were part of the Creative Suite -- were being  
09:30:38 25 transitioned over from where we had gone from our old

09:30:44 1 operating system, System 7, System 8 generation, into OS  
09:30:49 2 X. And that transition required a lot of heavy lifting  
09:30:52 3 from the engineering teams.

09:30:54 4 What I mean by heavy lifting is that it wasn't  
09:30:55 5 a trivial task to make the operating system switch and  
09:30:58 6 then have the app support that operating switch. So it  
09:31:00 7 was very important for us that we work closely with  
09:31:03 8 Adobe to make sure that their products did get moved  
09:31:06 9 over. And not only did they get moved over, but they  
09:31:09 10 were doing certain things, for example, following the  
09:31:12 11 new UI conventions that we had established with OS X;  
09:31:16 12 that the performance was of a very, very good manner so  
09:31:20 13 that people who used performance-critical applications  
09:31:24 14 like Photoshop had a great experience on the new  
09:31:27 15 hardware and the operating systems; and that the  
09:31:28 16 products were very stable so that there weren't a lot of  
09:31:31 17 crashes and bugs.

09:31:32 18 And in the process of doing that, we had some  
09:31:36 19 instances with our recruiting team cold calling and  
09:31:41 20 reaching into other organizations -- not other  
09:31:45 21 organizations, but doing some cold calling practices,  
09:31:48 22 that made the relationship and the ability to both  
09:31:52 23 collaborate and cooperate a little bit sensitive. And  
09:31:54 24 what we wanted to make sure was that our partners were  
09:31:59 25 able to be able to give us their best efforts, provide

09:32:02 1 their best people, to make that critical transition  
09:32:05 2 without having the noise of cold calling as being part  
09:32:08 3 of the things that could potentially hold them back from  
09:32:11 4 doing that.

09:32:12 5 Q. Did you speak with Steve Jobs about the issues  
09:32:16 6 that you've been discussing prior to talking to the  
09:32:18 7 recruiting team?

09:32:20 8 A. When you say "the issues," can you please  
09:32:24 9 explain.

09:32:25 10 Q. Sure. The -- you spoke with recruiters at a  
09:32:27 11 certain point about ceasing cold calling practices; is  
09:32:30 12 that accurate?

09:32:30 13 A. What I recall is having a conversation with a  
09:32:33 14 gentleman named Mark Bentley where I told him that the  
09:32:37 15 cold calling practices was getting in the way or at  
09:32:39 16 least, you know, creating a -- not a great atmosphere  
09:32:41 17 for us to be able to do this sensitive work.

09:32:43 18 Q. Did you request that he cease cold calling  
09:32:46 19 Adobe employees at that time?

09:32:47 20 A. I told him it wasn't a good idea.

09:32:50 21 Q. Did you speak with Steve Jobs about your  
09:32:52 22 request prior to speaking to Mark Bentley?

09:32:59 23 A. I don't recall if I did.

09:33:00 24 Q. Did you ask Mr. Bentley not to recruit any  
09:33:05 25 employees from Adobe?

09:33:06 1 A. No, I didn't. What I told -- what I told him  
09:33:08 2 is, it was the practice of cold calling that was causing  
09:33:11 3 the issues. Which is pretty much our guys grabbing a  
09:33:15 4 phone book and just starting to make calls to people.  
09:33:18 5 You know, this was not about not hiring people. This  
09:33:21 6 was not about -- this was about cold calling. And so  
09:33:24 7 that was the thing that was -- that was upsetting.

09:33:32 8 Q. Which engineering teams at Adobe were working  
09:33:35 9 with Apple on these transitions?

09:33:40 10 A. At the time, I don't think there wasn't a  
09:33:43 11 product that Adobe was working on that didn't have to go  
09:33:46 12 through the transition. But, of course, as I mentioned,  
09:33:49 13 one of the most important was Photoshop. So one way or  
09:33:53 14 the other, all of Adobe's products that run on the Mac  
09:33:57 15 ultimately had to get worked on.

09:33:59 16 Q. How many engineers were working on the -- on  
09:34:00 17 the -- that team at Adobe?

09:34:02 18 A. I don't know -- I don't know specifically what  
09:34:03 19 the number or the count was.

09:34:06 20 Q. Did you ask Mr. Bentley to limit the practice  
09:34:09 21 of cold calling just with respect to the engineers who  
09:34:11 22 were working on the Adobe-Apple collaborations?

09:34:14 23 A. I don't recall if I gave him that specific  
09:34:16 24 instruction.

09:34:17 25 Q. You told him to cease cold calling from Adobe

11:33:43 1 A. Not the specifics. What I got was Bruce said  
11:33:46 2 it was okay.

11:33:52 3 Q. Did you speak with Bruce after you learned this  
11:33:59 4 in your conversation with Steve?

11:34:00 5 A. I don't recall if I did or not.

11:34:08 6 Q. After the telephone call between you and Steve  
11:34:25 7 Jobs, did you meet with Steve?

11:34:27 8 A. Yes, I did.

11:34:28 9 Q. How long after the telephone call did you meet  
11:34:29 10 with him?

11:34:31 11 A. Again, hard number, it felt relatively close.

11:34:37 12 Q. Where did you meet?

11:34:38 13 A. At Apple.

11:34:39 14 Q. Was anyone else there?

11:34:41 15 A. No, it was just Steve.

11:34:43 16 Q. Did you tell anyone at Adobe that you were  
11:34:45 17 meeting with Apple about a potential job opportunity?

11:34:53 18 A. I believe there was one person I had made  
11:34:57 19 mention to, and that was a friend of mine.

11:35:00 20 Q. Who was the friend?

11:35:02 21 A. A person by the name of Susan McCall.

11:35:07 22 Q. Did she work -- she worked at Apple?

11:35:08 23 A. Yes, she did.

11:35:09 24 Q. What was her job title?

11:35:10 25 A. She was marketing manager.

11:35:15 1 Q. When Steve Jobs told you that he had already  
11:35:17 2 asked Bruce permission to call you, were you surprised?

11:35:21 3 MR. RILEY: Objection to the form.

11:35:30 4 THE WITNESS: Well, given the fact that Apple  
11:35:32 5 and Adobe were working so closely together, and given  
11:35:36 6 the fact that I was in the position I was in, which is  
11:35:38 7 running some of the, you know, major products that run  
11:35:41 8 on the Mac, I think it was appropriate that Steve would  
11:35:45 9 have given Bruce a heads-up.

11:35:47 10 MS. SCHALMAN-BERGEN: Q. We've talked  
11:35:48 11 about your previous jobs, and that was the first  
11:35:52 12 time that the CEO of a company had called another  
11:35:55 13 CEO to ask permission to make you an offer; is that  
11:35:58 14 correct?

11:35:59 15 A. It wasn't -- well, let's be clear. It was not  
11:36:02 16 to make me an offer, but was merely to say that he was  
11:36:05 17 interested in talking to me about a possible opportunity  
11:36:07 18 at Apple. And compared to the other circumstances I was  
11:36:11 19 in, when we had spoken about it, there was no situations  
11:36:15 20 where any two of the other companies where I went from A  
11:36:17 21 to B was there a major -- was there a degree of  
11:36:23 22 cooperation that was required for both companies to  
11:36:25 23 succeed in a given area. That was one thing.

11:36:27 24 So the relationship between Apple and Adobe is  
11:36:30 25 very close given the fact that at the time Apple's main



11:36:34 1 business was the creative business, and Adobe created  
11:36:37 2 most -- or had most of the creative products available.  
11:36:39 3 So that's one thing.

11:36:41 4 And then the second thing is it was a senior  
11:36:44 5 position.

11:36:46 6 Q. Didn't Canon and FirePower also have an  
11:36:50 7 intertwined relationship?

11:36:51 8 A. It was a little bit different there. So --

11:36:52 9 Q. How so?

11:36:54 10 A. Because Canon and FirePower, FirePower was  
11:36:56 11 actually looking for somebody to help them with their  
11:36:59 12 product marketing. And, therefore, for Canon, it was --  
11:37:01 13 it also helped them because that was their investment.

11:37:05 14 Q. Did anyone at FirePower ask anyone at Canon  
11:37:08 15 whether they could explore the possibility of you  
11:37:10 16 working for them?

11:37:11 17 A. No. As I explained, I was the one who did the  
11:37:14 18 outreach to FirePower.

11:37:15 19 Q. After you made the outreach, did anyone at  
11:37:19 20 FirePower explore whether it would be okay to talk to  
11:37:21 21 you at Canon?

11:37:24 22 A. Not --

11:37:25 23 Q. Excuse me. Strike that. That was an unclear  
11:37:26 24 question.

11:37:27 25 After you reached out to FirePower, did anyone

11:37:30 1 at FirePower ask permission of anyone at Canon to pursue  
11:37:36 2 you as a candidate?

11:37:38 3 MR. RILEY: Objection to the form.

11:37:44 4 THE WITNESS: When we had spoken about this  
11:37:46 5 before, what I had done when I reached out to FirePower  
11:37:50 6 is I had already expressed that to Peter Bergman, the  
11:37:55 7 guy that I reported to at Canon.

11:37:57 8 MS. SCHALMAN-BERGEN: Q. I don't think you  
11:37:58 9 answered my question. Do you want me to read it  
11:38:01 10 back to you?

11:38:02 11 A. Sure. Please.

11:38:02 12 MS. SCHALMAN-BERGEN: Can you read back my  
11:38:02 13 question.

11:38:14 14 (Record read as follows: After you reached out  
11:38:14 15 to FirePower, did anyone at FirePower ask  
11:38:14 16 permission of anyone at Canon to pursue you as  
11:38:14 17 a candidate?)

11:38:15 18 THE WITNESS: Not to my knowledge.

11:38:26 19 MS. SCHALMAN-BERGEN: Q. Did the fact that  
11:38:28 20 Steve Jobs reached out and spoke with Bruce make you  
11:38:32 21 concerned about your current job at Adobe at all?

11:38:38 22 A. It --

11:38:39 23 MR. RILEY: Objection to the form of the  
11:38:40 24 question.

11:38:47 25 THE WITNESS: Again, given what we had -- you

01:59:21 1 very complex thing. Again, just using myself as an  
01:59:26 2 example, I took a reduction in my title from a VP title  
01:59:29 3 to director title because I saw an opportunity. And I  
01:59:33 4 believe that with respect to retention, again, every  
01:59:36 5 individual, I think, has their factors of what makes  
01:59:39 6 them happy in their job.

01:59:41 7 MS. SCHALMAN-BERGEN: Q. But retention  
01:59:42 8 would be something that would be considered if -- in  
01:59:44 9 that scenario where Apple was compensating its  
01:59:47 10 employees at well below market?

01:59:49 11 MR. RILEY: Object to the form of the question.

01:59:50 12 THE WITNESS: No. What I said was is that, you  
01:59:51 13 know, you -- that -- what I said was is that when you  
01:59:54 14 take a look at this notion of retention, retention is a  
01:59:57 15 very -- is a very interesting thing, because every  
01:59:59 16 single person has their own motivations and their own  
02:00:02 17 factors for why they choose a job, for one instance, and  
02:00:05 18 why they stay in the job. And so when you talk about  
02:00:10 19 the reasons for it, you know, it's a multi-factored  
02:00:14 20 decision, I believe.

02:01:05 21 MS. SCHALMAN-BERGEN: Q. During the time  
02:01:07 22 you worked -- you've been working at Apple, we  
02:01:11 23 talked a little bit about the collaborations between  
02:01:13 24 Apple and Adobe.

02:01:15 25 A. Uh-huh.

02:01:16 1 Q. And I want to ask you some questions about what  
02:01:18 2 sorts of work has been going on, what kind of  
02:01:22 3 collaborations were going on between Apple and Adobe  
02:01:24 4 during the time you've worked there.

02:01:26 5 A. Uh-huh.

02:01:26 6 Q. Okay?

02:01:27 7 You mentioned two types of events that you'd  
02:01:30 8 consider to be major collaborations. Those were  
02:01:33 9 platform changes and integration of operating system.  
02:01:37 10 So since you've joined Apple, have Apple and Adobe  
02:01:41 11 worked on a platform change together?

02:01:44 12 MR. RILEY: Objection. Misstates his prior  
02:01:46 13 testimony.

02:01:48 14 THE WITNESS: The collaboration that we have  
02:01:50 15 going on between Apple and Adobe is pretty much ongoing,  
02:01:53 16 because they're constantly updating their software,  
02:01:57 17 we're constantly updating our operating system and our  
02:02:01 18 hardware. And, therefore, there is multiple instances.  
02:02:04 19 It's not just necessarily a platform change. It could  
02:02:06 20 be a software upgrade, it could be going to a different  
02:02:10 21 speed range of a CPU inside of a computer.

02:02:12 22 Any one of those events would have the need for  
02:02:14 23 collaboration for, you know, what we talked about  
02:02:17 24 earlier, which is the -- the products working well,  
02:02:21 25 being compatible, and that's an ongoing thing.

02:02:25 1 So in the case of what we did with the two big  
02:02:29 2 ones that affected most developers, one, of course, was  
02:02:32 3 the switch from OS -- from System 9 over to OS X, and  
02:02:35 4 the second, which was the switch from the powered PC CPU  
02:02:39 5 architecture to the Intel architecture.

02:02:42 6 MS. SCHALMAN-BERGEN: Q. So the answer to  
02:02:43 7 my question is yes, there has been collaboration  
02:02:48 8 with Adobe that involved a platform change?

02:02:50 9 A. Yes, there has been collaboration of Adobe  
02:02:52 10 involving platform change, but there's also been  
02:02:55 11 constant collaboration even between those periods,  
02:02:58 12 because, again, as I said, with respect to OS updates,  
02:03:02 13 CPU updates, regardless, but that's a change in the -- a  
02:03:04 14 major change of the platform, that's an ongoing  
02:03:07 15 exercise.

02:03:07 16 MS. SCHALMAN-BERGEN: I'm going to move to  
02:03:09 17 strike that as not responsive. That's -- was not my  
02:03:11 18 question.

02:03:11 19 Q. Between 2001 --

02:03:12 20 MR. RILEY: I believe it was responsive to your  
02:03:14 21 question.

02:03:14 22 MS. SCHALMAN-BERGEN: Q. Between 2001 and  
02:03:16 23 2009, there have been platform changes with Apple  
02:03:22 24 that involved collaborations with Adobe; is that  
02:03:24 25 fair to say?

02:16:28 1 THE WITNESS: Again, potentially, they could.

02:16:29 2 Depending upon, you know, what were the changes involved  
02:16:32 3 with whatever we did with the operating system.

02:16:35 4 MS. SCHALMAN-BERGEN: Q. But you're not  
02:16:36 5 directly aware of whether there were any  
02:16:40 6 collaborations relating to the platform change?

02:16:42 7 MR. RILEY: Object to the form.

02:16:44 8 MS. SCHALMAN-BERGEN: Q. Or, excuse me,  
02:16:44 9 relating to OS X?

02:16:44 10 A. Well --

02:16:45 11 MR. RILEY: Object to the form.

02:16:45 12 THE WITNESS: I'm sorry.

02:16:46 13 Well, Google is like, you know, other  
02:16:49 14 developers. So as far as the collaboration is  
02:16:52 15 concerned, remember when I told -- when we talked about  
02:16:54 16 what's, you know, what's needed to be done by any  
02:16:57 17 developer whenever we go through an OS change, Google  
02:17:01 18 would have to go through those things too. So they  
02:17:02 19 would have to run their operating -- not their  
02:17:04 20 operating. So they'd run their software on any changes  
02:17:06 21 that we had to OS X, they would have to make sure that  
02:17:08 22 it worked right, and if there was any feature adoption,  
02:17:12 23 they could take a look at that.

02:17:14 24 So to that extent, the collaboration is like we  
02:17:16 25 have with many other companies.

02:17:18 1 MS. SCHALMAN-BERGEN: Q. Would you defer  
02:17:19 2 to Phil Schiller about any specifics relating to  
02:17:22 3 Google?

02:17:23 4 MR. RILEY: Object to the form.

02:17:28 5 THE WITNESS: Again, as I said, there is many  
02:17:29 6 people who work on that. And so whether or not he's the  
02:17:32 7 exact right person....

02:17:34 8 MS. SCHALMAN-BERGEN: Q. You didn't  
02:17:35 9 directly work on it?

02:17:36 10 A. No, I didn't.

02:17:37 11 Q. Okay. What about Pixar? Do you -- have you  
02:17:45 12 worked with any collaborations between Apple and Pixar  
02:17:48 13 since the time you've been there?

02:17:54 14 A. One of the things that we did with Pixar is  
02:17:56 15 they, too, were working on some things with the Mac.  
02:18:00 16 They were trying to create a -- they were trying to  
02:18:04 17 create a system that supported some of their filmmaking  
02:18:07 18 based on our products using OS X. And so part of the  
02:18:11 19 work that our team did was work with the guys over at  
02:18:14 20 Pixar on making sure that their software could run on  
02:18:18 21 our OS X products and our -- you know, Mac and OS X  
02:18:21 22 products.

02:18:22 23 Q. Do you know during what time period that  
02:18:26 24 collaboration occurred?

02:18:33 25 A. That was earlier in my tenure at Apple, so I'd

02:18:43 1 have to say it was probably around the 2003, 2004, 2005  
02:18:49 2 time frame. But, again, it's fuzzy because that was --  
02:18:53 3 you know, it feels like it was a while ago.

02:18:55 4 Q. Prior to 2007; is that accurate?

02:18:58 5 MR. RILEY: Object to the form.

02:18:59 6 THE WITNESS: Yeah. I kind of told you the  
02:19:01 7 range of where -- where I think it may have been.

02:19:09 8 MS. SCHALMAN-BERGEN: Q. What about --  
02:19:11 9 well, Intel is a different type of company. So can  
02:19:16 10 you describe what was involved in the collaboration  
02:19:18 11 between Apple and Intel with respect to adopting the  
02:19:21 12 Intel architecture?

02:19:23 13 A. One of the things that we did -- the type of  
02:19:27 14 things we did with Intel is Intel provided us a lot of  
02:19:30 15 the technical feedback that we got so that we could  
02:19:34 16 help, you know, educate developers on what it took to  
02:19:37 17 make the change. It was their CPU, they knew best about  
02:19:42 18 the architecture. And one of the other things they did  
02:19:43 19 was provide us information about how to make performance  
02:19:46 20 optimizations. That was what they provided for our  
02:19:50 21 team.

02:19:51 22 Q. Were you involved in working on any Intel-Apple  
02:19:56 23 collaborations?

02:19:58 24 A. The Intel transition that we had --

02:20:00 25 Q. Yes.



02:20:00 1 A. -- with our entire developer base, that was an  
02:20:03 2 Intel-Apple collaboration.

02:20:05 3 Q. And were you specifically -- strike that.

02:20:07 4 Well, what specifically was your involvement in  
02:20:09 5 that collaboration?

02:20:10 6 A. Is what I mentioned before: Making sure that  
02:20:12 7 our developers could transition all of their current,  
02:20:17 8 you know, power PC-based software running on the Intel  
02:20:20 9 architecture.

02:20:21 10 Q. Was there a point person at Intel that you were  
02:20:23 11 working with?

02:20:28 12 A. It seemed to be a bit of a revolving door. You  
02:20:30 13 know, there was a lot of folks that we worked with over  
02:20:33 14 there, and they changed from time to time. So there's  
02:20:36 15 not one name that's just sticking in my mind.

02:20:40 16 Q. During what time period did this collaboration  
02:20:43 17 occur?

02:20:47 18 A. Let's see. We made the announcement in 2005.  
02:20:50 19 So it was pretty much between 2005, and I believe that  
02:20:55 20 it lasted for about a year or so.

02:20:59 21 Q. Prior to 2005, was there some work that Intel  
02:21:03 22 and Apple were doing to lead up to that announcement?

02:21:06 23 A. I wouldn't know with others, but with respect  
02:21:08 24 to my team, not yet. Our team really started working  
02:21:12 25 them once we made the announcement.

03:17:05 1 Prescott?

03:17:07 2 A. With Bryan, I couldn't tell.

03:17:13 3 Q. Did you speak with Shantanu Narayen about Susan  
03:17:17 4 Prescott leaving Adobe?

03:17:20 5 A. I don't recall if I did or not.

03:17:22 6 Q. Did you speak with Bruce Chizen about Susan  
03:17:26 7 Prescott leaving Adobe?

03:17:27 8 A. I don't recall if I did or not.

03:18:16 9 Q. After Apple hired Susan Prescott, did Adobe and  
03:18:23 10 Apple enter into an agreement not to solicit each  
03:18:28 11 other's senior vice presidents?

03:18:36 12 MR. RILEY: Object to the form of the question.

03:18:41 13 THE WITNESS: Well, I don't -- I don't recall  
03:18:53 14 if there was any agreement. I do know, however, that as  
03:19:04 15 we were beginning to work -- not as beginning. As we  
03:19:07 16 were continuing to work together, this notion that we  
03:19:09 17 had of cold calling into a partner that we're working  
03:19:17 18 with, in this case it was Adobe, had the potential to  
03:19:21 19 cause some issues of trust that could interfere with the  
03:19:26 20 collaboration that we had.

03:19:30 21 But as far as what you were saying earlier  
03:19:35 22 about any agreement, I don't recall.

03:19:49 23 MS. SCHALMAN-BERGEN: Q. How did you  
03:19:50 24 become aware that the practice of cold calling into  
03:19:55 25 Adobe had the potential to cause some issues of

03:19:57 1 trust?

03:20:00 2 A. Well, when our teams are working together, one  
03:20:05 3 of the things that we wanted to do was to make sure that  
03:20:08 4 we had their full attention and commitment to making the  
03:20:14 5 products that we're talking about, that we spent a lot  
03:20:16 6 of time talking about. And we have face-to-face  
03:20:19 7 meetings with these people, again, you know, these type  
03:20:22 8 of things that we're talking about, you know, there's a  
03:20:24 9 lot of work involved and it's complicated. So it's not  
03:20:27 10 nothing that we can do at an arm's length distance. We  
03:20:31 11 have to be very close with the partners that we work  
03:20:33 12 with on these type of collaborations.

03:20:35 13 And so if we have a situation where we're  
03:20:39 14 working together with an engineer, and then right after  
03:20:41 15 we're done, that engineer then gets a call from Apple,  
03:20:45 16 from a recruiter, without -- you know, they don't know  
03:20:48 17 them from Adam, and saying, hey, you know, is that --  
03:20:51 18 you know, are you interested in a job over at Apple?  
03:20:53 19 They report back that -- you know, they can report that  
03:20:56 20 back to their management, and we might not get their  
03:21:00 21 best efforts or we might not get their best engineers  
03:21:03 22 because then they would say, well, what's the point of  
03:21:05 23 doing that if Apple is just cold calling these guys to  
03:21:08 24 try to get them to come over?

03:21:15 25 Q. Who first made you aware that the practice of

03:21:18 1 cold calling into Adobe had the potential to cause some  
03:21:21 2 issues of trust?

03:21:23 3 A. There was not a person who had made me aware of  
03:21:25 4 it. There were things that we had seen where -- for  
03:21:30 5 example, you know, we had talked about Garmin. We had  
03:21:36 6 the situation at Garmin where our recruiting team had  
03:21:39 7 sent out a blast email to a bunch of folks in Garmin  
03:21:42 8 that included employees at all various levels of the  
03:21:45 9 company, including the CEO and several of the e-team  
03:21:49 10 members. And we had a situation where Garmin  
03:21:51 11 understandably wasn't too happy about that. And, you  
03:21:53 12 know, to make matters worse, this was in the midst of us  
03:21:58 13 trying to make this transition to get their Garmin maps  
03:22:01 14 to work on OS X.

03:22:02 15 So as we're taking a look at this in my world,  
03:22:05 16 one of the things I wanted to make sure we did is we  
03:22:08 17 didn't have that kind of situation so we could get the  
03:22:11 18 best cooperation out of Adobe; ergo, we could then get  
03:22:15 19 the best products out of them.

03:22:30 20 Q. Is it your testimony that it was your decision  
03:22:33 21 to -- for Apple not to cold call Adobe?

03:22:40 22 A. No. It's not -- it wasn't my decision. I was  
03:22:43 23 one of the -- I was one of the people who provided  
03:22:46 24 feedback into the HR team about folks that we were  
03:22:49 25 working with who were important partners who had the

1 I, Gina V. Carbone, Certified Shorthand  
2 Reporter licensed in the State of California, License  
3 No. 8249, hereby certify that the deponent was by me  
4 first duly sworn and the foregoing testimony was  
5 reported by me and was thereafter transcribed with  
6 computer-aided transcription; that the foregoing is a  
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or  
9 attorney for either of any of the parties in the  
10 foregoing proceeding and caption named or in any way  
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of  
13 the original transcript will render the reporter's  
14 certificates null and void.

15 In witness whereof, I have hereunto set my  
16 hand this day: March 11, 2013.

17 \_\_\_\_\_ Reading and Signing was requested.

18 \_\_\_\_\_ Reading and Signing was waived.

19 \_\_\_X\_\_\_ Reading and signing was not requested.

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GINA V. CARBONE

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CSR 8249, CRR, CCRR

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